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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,648	12/29/2000	Gregory Cummings	42390P9329	1497

7590 05/06/2005	EXAMINER
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP	PARTON, KEVIN S

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/752,648	CUMMINGS ET AL.
	Examiner	Art Unit
	Kevin Parton	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 February 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3,4,6-14,16,17,19,20 and 24-34_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3,4,6-14,16,17,19,20 and 24-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 02/03/2005 have been fully considered but they are

not persuasive. Please see the following reasons and the grounds of rejection below.

2.   On page 11, paragraph 2, the applicant argues that Kenner fails to teach the

selection of a provider that is "nearest...to the requesting system." The argument is not

persuasive because the rejection does not rely on Kenner to teach this limitation.

Specifically, Kenner teaches a system where data is stored in a number of distributed

cache systems. When a cache system does not have an item that is requested by a

requesting user, the PIM will find the item located in the nearest cache and return it to

the cache serving the requesting user. The previous Office Action concedes that this

server selection is not based on the requesting system, but on a connected cache. As

such, the secondary reference to Rune is cited.

3.   On page 11, paragraph 3, the applicant argues that Rune does not teach locating

the server nearest to the requestor. The argument is not persuasive because Rune

does teach searching a database for the server that would require the least number of

hops to return data to a client. The least number of hops is analogous to the nearest

server.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claim 1, 4, 6-12, 14, 16-17, 20, 24, 26-33 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Kenner et al. (US Patent 6269394), hereinafter referred to as

Kenner, in view of Rune (US Patent 6304913).

In regards to claim 1, Kenner discloses a method, comprising:

- Receiving a request for data from a requesting system, the request having an

  address associated with the requesting system (the PIM, or primary index

  manager, receives a request from a user workstation which has an associated

  network address, this network address being attached to the request in the form

  of a network ID, which allows the PIM to determine where in the system the

  requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with

  the regional ID, which is used as an address for matching servers to geographic

  areas that the requester is in).

- Receiving an identifier corresponding to the address from an edge server of a

  plurality of edge servers, the edge server having the requested data (the PIM

  interrogates the database of content servers, the requester then receiving an

  identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8).

- Selecting the edge server to provide the requested data to the requesting system

  (after receiving the request, the PIM selects a server that contains the requested

  data based on the requesting systems address, col 11 lines 34-46) wherein the

selecting of the edge server further comprises forwarding the address to a

database having a predetermined list of addresses corresponding to the plurality

of edge servers, and looking up the address corresponding to the edge server in

the database (the PIM maintains a database containing the addresses of the

edge servers as well as a listing of the servers contents, to which the address is

forwarded to allow the PIM to find the nearest server to stream the data to the

requesting unit, col 4 line 55 – col 5 line16, col 10 lines 55-65).

- Directing the requesting system to the edge server to receive the requested data

  (the data is sent from the remote storage unit to the requesting unit which

  subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the

closest server, it does not directly indicate whether this is in relation to the requesting

system.

Rune discloses a system for selecting the nearest server from a plurality of

alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate

servers. Then the system transmits a request to the central server, which selects the

address of the server from the list of alternate servers which is closest to the requesting

system. Figure 3 also details the system, which shows an alternate route of counting

hop counts between a router and an alternate server, the closest server with the

smallest number of hop counts being selected (see also col 5 lines 7-67 for a text

analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it

would be useful to select the closest alternate server as it provides "a method and

Internet system that improves the response times by selecting for use a mirror server

locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to

include the choosing of a closest server translates to choosing a server that is nearest

to a requesting system as taught by Rune to improve response times of the system by

reducing the physical distances between the transmitter and receiver of information.

In regards to claim 4, Kenner discloses the address comprises an IP (Internet

Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored

which is used to identify a user, also the lower table indicates that listing of all IP

addresses are stored).

In regards to claim 6, Kenner discloses the request comprises a request for

media data (the invention is directed towards video clip storage and retrieval, col 7 lines

12-15).

In regards to claim 7, Kenner discloses the request for media data comprises a

request for live media data (the search and retrieval unit, or SRU, can stream video in

real time allowing for live media data, col 10 lines 9-18).

In regards to claim 8, Kenner discloses the causing the directing of the

requesting system to the edge server comprises:

- • Connecting the edge server to an origin server receiving the live media

    data (the PIM connects a storing server to the origin server to obtain a

    copy of the data, col 16 lines 45-51).

- • Sending the live media data from the origin server to the edge server (a new clip

    is stored by the server of origin of the media data, sends the clip to the PIM

    which sends the clip to a storing server, col 16 lines 45-51).

In regards to claim 9, Kenner discloses a method, comprising:

- • Receiving a request for data from a requesting system, the request having an

    address associated with the requesting system (the PIM, or primary index

    manager, receives a request from a user workstation which has an associated

    network address, this network address being attached to the request in the form

    of a network ID, which allows the PIM to determine where in the system the

    requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with

    the regional ID, which is used as an address for matching servers to geographic

    areas that the requester is in).

- • Looking up the address using a database, the database having a list of

    predetermined addresses corresponding to a plurality of edge servers (after

    receiving the request, the PIM selects a server that contains the requested data

    based on the requesting systems address, col 11 lines 34-46).

- • If the address exists on the database, receiving an identifier corresponding to the

    address from an edge server having the requested data (the PIM interrogates the

database of content servers, the requester then receiving an identifier

corresponding to the server, col 12 line 57 – col 13 line 8), and causing the

requested data to be sent from the edge server to the requesting system (the

data is sent from the remote storage unit to the requesting unit which

subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the

closest server, it does not directly indicate whether this is in relation to the requesting

system.

Rune discloses a system for selecting the nearest server from a plurality of

alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate

servers. Then the system transmits a request to the central server, which selects the

address of the server from the list of alternate servers which is closest to the requesting

system. Figure 3 also details the system, which shows an alternate route of counting

hop counts between a router and an alternate server, the closest server with the

smallest number of hop counts being selected (see also col 5 lines 7-67 for a text

analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it

would be useful to select the closest alternate server as it provides "a method and

Internet system that improves the response times by selecting for use a mirror server

locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to

include the choosing of a closest server translates to choosing a server that is nearest

to a requesting system as taught by Rune to improve response times of the system by

reducing the physical distances between the transmitter and receiver of information.

In regards to claim 10, Kenner discloses if the address does not exist on the

database, causing the requested data to be sent from a deployment server to the

requesting system, the deployment server being selected based on a non-address

based protocol (if an unknown user with a non-existent address requests data, a local

retrieval unit is created that finds and downloads the data and then transfers the data to

the user based on a non-address based protocol, but rather on geographic locality, col 9

lines 29-42).

In regards to claim 11, Kenner discloses the causing of the requested data to be

sent from the selected edge server comprises redirecting the requesting system to the

selected edge server (a routing message is created by the index manager, and this is

forwarded to the user allowing the requesting system access to the remote server, col

11 lines 34-40).

In regards to claim 12, Kenner discloses the redirecting the requesting system to

the selected edge server comprises sending location information to the requesting

system, the location information comprising the address of the selected edge server and

the location of the requested data on the selected edge server (the PIM maintains a

database containing the addresses of the edge servers as well as a listing of the

servers contents, to which the address is forwarded to allow the PIM to find the nearest

server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col 10 lines

55-65).

In regards to claim 14, Kenner discloses a machine-readable medium having

stored thereon data representing sets of instructions, which, when executed by a

machine, cause the machine to:

- Receive a request for data from a requesting system, the request having an

  address associated with the requesting system (the PIM, or primary index

  manager, receives a request from a user workstation which has an associated

  network address, this network address being attached to the request in the form

  of a network ID, which allows the PIM to determine where in the system the

  requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with

  the regional ID, which is used as an address for matching servers to geographic

  areas that the requester is in).

- Receive an identifier corresponding to the address from an edge server of a

  plurality of edge servers, the edge server having he requested data (the PIM

  interrogates the database of content servers, the requester then receiving an

  identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8).

- Select the edge server to provide the requested data to the requesting system

  (after receiving the request, the PIM selects a server that contains the requested

  data based on the requesting systems address, col 11 lines 34-46) wherein the

sets of instructions which, when executed by the machine, further cause the

machine to forward the address to a database having a predetermined list of

addresses corresponding to the plurality of edge servers, and to look up the

address corresponding to the edge server in the database, (the PIM maintains a

database containing the addresses of the edge servers as well as a listing of the

servers contents, to which the address is forwarded to allow the PIM to find a

server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col

10 lines 55-65).

- Redirecting the requesting system to edge server to receive the requested data

  (the data is sent from the remote storage unit to the requesting unit which

  subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the

closest server, it does not directly indicate whether this is in relation to the requesting

system.

Rune discloses a system for selecting the nearest server from a plurality of

alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate

servers. Then the system transmits a request to the central server, which selects the

address of the server from the list of alternate servers which is closest to the requesting

system. Figure 3 also details the system, which shows an alternate route of counting

hop counts between a router and an alternate server, the closest server with the

smallest number of hop counts being selected (see also col 5 lines 7-67 for a text

analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it

would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 16, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 17, Kenner discloses an apparatus. comprising:

- A storage medium (the SRU is a storage unit, col 9 lines 29-31).
- A processor coupled with the storage medium, the processor to:
  - o Receive a request for data from a requesting system, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66,

col 14 lines 16-29 deals with the regional ID, which is used as an address

for matching servers to geographic areas that the requester is in).

o Receive an identifier corresponding to the address from an edge server of

a plurality of edge servers, the edge server having the requested data (the

PIM interrogates the database of content servers, the requester then

receiving an identifier corresponding to the nearest server, col 12 line 57 –

col 13 line 8).

o Select the edge server to provide the requested data to the requesting

system (after receiving the request, the PIM selects a server that contains

the requested data based on the requesting systems address, col 11 lines

34-46) wherein the selecting of the edge server further includes forwarding

the address to a database having a predetermined list of addresses

corresponding to the plurality of edge servers, and to look up the address

corresponding to the edge server in the database, (the PIM maintains a

database containing the addresses of the edge servers as well as a listing

of the servers contents to allow the nearest server to stream the data to

the requesting unit, col 4 line 55 – col 5 line16, col 10 lines 55-65).

o Directing the requesting system to the edge server to receive the

requested data (the data is sent from the remote storage unit to the

requesting unit which subsequently receives the information, col 11 lines

41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 20, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored

which is used to identify a user, also the lower table indicates that listing of all IP

addresses are stored).

In regards to claim 24, Kenner discloses an apparatus, comprising:

- A database having a list of predetermined addresses corresponding to a plurality

   of edge servers (the PIM maintains a database containing the addresses of the

   edge servers as well as a listing of the servers contents to allow the nearest

   server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col

   10 lines 55-65).

- A redirection server coupled to a database, the redirection server to:

   o Receive a request for data from a requesting system, the request having

      an address associated with the requesting system (the PIM, or primary

      index manager, receives a request from a user workstation which has an

      associated network address, this network address being attached to the

      request in the form of a network ID, which allows the PIM to determine

      where in the system the requesting computer is located, col 8 lines 58-66,

      col 14 lines 16-29 deals with the regional ID, which is used as an address

      for matching servers to geographic areas that the requester is in).

   o Lookup the address on the database (after receiving the request, the PIM

      selects a server that contains the requested data based on the requesting

      systems address, col 11 lines 34-46).

o   If the address exists on the database, receive an identifier corresponding

to the address from an edge server having the requested data (the PIM

interrogates the database of content servers, the requester then receiving

an identifier corresponding to the server, col 12 line 57 – col 13 line 8),

and cause the requested data to be sent from the edge server to the

requesting system (the data is sent from the remote storage unit to the

requesting unit which subsequently receives the information, col 11 lines

41-46).

While Kenner discloses that the system routes the client to receive information from the

closest server, it does not directly indicate whether this is in relation to the requesting

system.

Rune discloses a system for selecting the nearest server from a plurality of

alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate

servers. Then the system transmits a request to the central server, which selects the

address of the server from the list of alternate servers which is closest to the requesting

system. Figure 3 also details the system, which shows an alternate route of counting

hop counts between a router and an alternate server, the closest server with the

smallest number of hop counts being selected (see also col 5 lines 7-67 for a text

analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it

would be useful to select the closest alternate server as it provides "a method and

Internet system that improves the response times by selecting for use a mirror server

locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 26, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 27, Kenner discloses a system, comprising:

- A requesting system to request data, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).

- An operations center coupled to the requesting system, the operations center to handle requests from the requesting system, the operations center having:

o A site database having a list of predetermined addresses corresponding to

a plurality of edge servers (the PIM maintains a database containing the

addresses of the edge servers as well as a listing of the servers contents

to allow the nearest server to stream the data to the requesting unit, col 4

line 55 – col 5 line16, col 10 lines 55-65).

o A redirection module to receive an identifier corresponding to the address

from an edge server having the requested data (a routing message is

created by the index manager, and this is forwarded to the user allowing

the requesting system access to the remote server, col 11 lines 34-40), to

select the edge server to provide the requested data to the requesting

system, therein selecting of the edge server further comprises forwarding

the address to the database and to look up the address corresponding to

the edge server in the database, and to direct the requesting system to

receive the requested data (the PIM maintains a database containing the

addresses of the edge servers as well as a listing of the servers contents

to allow the nearest server to stream the data to the requesting unit, col 4

line 55 – col 5 line16, col 10 lines 55-65).

o The edge server of the plurality of edge servers to send data to the

requesting system (the data is sent from the remote storage unit to the

requesting unit which subsequently receives the information, col 11 lines

41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 28, Kenner discloses the requesting system comprises a viewer, and the redirection module causing the requested data to be sent from the edge server to the requesting system comprises initiating a dialog session between the

viewer and the edge server (in one embodiment, Kenner shows the invention being

used to watch videos for a real estate company where the user has a viewer installed in

a browser, and a dialog session is also utilized to allow the user to access text data that

corresponds to the video, col 18 line 64 – col 19 line 43).

In regards to claim 29, Kenner discloses the address comprises an IP (Internet

Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored

which is used to identify a user, also the lower table indicates that listing of all IP

addresses are stored).

In regards to claim 30, Kenner discloses a machine-readable medium having

stored thereon data representing sets of instructions which, when executed by a

machine, cause the machine to:

- Receiving a request for data from a requesting system, the request having

  an address-associated with the requesting system (the PIM, or primary

  index manager, receives a request from a user workstation which has an

  associated network address, this network address being attached to the

  request in the form of a network ID, which allows the PIM to determine

  where in the system the requesting computer is located, col 8 lines 58-66,

  col 14 lines 16-29 deals with the regional ID, which is used as an address

  for matching servers to geographic areas that the requester is in).

- Looking up the address using a database, the database having a list of predetermined addresses corresponding to a plurality of edge servers (after receiving the request, the PIM selects a server that contains the requested data based on the requesting systems address, col 11 lines 34-46).

- If the address exists on the database, receiving an identifier corresponding to the address from an edge server having the requested data, and causing the requested data to be sent from the edge server to the requesting system (the PIM interrogates the database of content servers, the requester then receiving an identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8), and causing the requested data to be sent from the edge server to the requesting system (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting

hop counts between a router and an alternate server, the closest server with the

smallest number of hop counts being selected (see also col 5 lines 7-67 for a text

analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it

would be useful to select the closest alternate server as it provides "a method and

Internet system that improves the response times by selecting for use a mirror server

locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to

include the choosing of a closest server translates to choosing a server that is nearest

to a requesting system as taught by Rune to improve response times of the system by

reducing the physical distances between the transmitter and receiver of information.

In regards to claim 31, Kenner discloses the sets of instructions when executed

by the machine, further cause the machine to if the address does not exist on the

database, cause the requested data to be sent from a deployment server to the

requesting system, the deployment server being selected based on a non-address

based protocol (if an unknown user with a non-existent address requests data, a local

retrieval unit is created that finds and downloads the data and then transfers the data to

the user based on a non-address based protocol, but rather on geographic locality, col 9

lines 29-42).

In regards to claim 32, Kenner discloses the causing of the requested data to be

sent from the selected edge server comprises redirecting the requesting system to the

selected edge server (a routing message is created by the index manager, and this is

forwarded to the user allowing the requesting system access to the remote server, col

11 lines 34-40).

In regards to claim 33, Kenner discloses the redirecting the requesting system to

the selected edge server comprises sending location information to the requesting

system, the location information comprising the address of the selected edge server and

the location of the requested data on the selected edge server (the PIM maintains a

database containing the addresses of the edge servers as well as a listing of the

servers contents, to which the address is forwarded to allow the PIM to find the nearest

server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col 10 lines

55-65).

Claims 3, 13, 19, 25 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kenner in view of Rune, and further in view of Alkhatib (US Patent

Number 6119171).

In regards to claims 3, 13, 19, 25 and 34, Kenner in view of Rune fails to disclose

the feature of using a predetermined list of CIDR (Classless Inter-Domain Routing)

blocks corresponding to the address of an edge server.

Alkhatib discloses a system of domain name routing where the feature of utilizing

CIDR blocks is discussed. Alkhatib teaches using CIDR blocks as a solution to the

depleting IP address problem currently facing networks. Utilizing CIDR blocks allocates

a series of Class C network addresses in the place of a Class B network to slow the

consumption of Class B network addresses (col 2 lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time of invention to

modify Kenner to include utilizing CIDR blocks as taught by Alkhatib as a solution to the

depleting IP address problem currently facing networks.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (571)272-

3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100